

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 24-CV-80702-ROSENBERG**

RICHARD MAROUS, *on behalf of all others  
similarly situated,*

Plaintiff,

v.

NOW OPTICS HOLDINGS, LLC,

Defendant.

**ORDER CONTINUING TRIAL, DENYING MOTION FOR CLASS  
CERTIFICATION WITHOUT PREJUDICE, DENYING MOTION FOR  
LEAVE TO FILE SURREPLY AS MOOT, AND DENYING MOTION  
FOR LEAVE TO FILE UNDER SEAL WITHOUT PREJUDICE**

This Court enters the following Order **GRANTING** the parties' Joint Motion for Continuance (DE 79). The Order modifies certain deadlines set forth in DE 42. The Court **DENIES** Plaintiff's Motion for Class Certification [DE 57] without prejudice. Plaintiff may renew the Motion in accordance with the deadlines listed below. The Court **DENIES** Defendant's Motion for Leave to File Surreply [DE 74] as moot, as the Court is denying the Motion for Class Certification without prejudice. The Court **DENIES** Plaintiff's Unopposed Motion to File Under Seal [DE 77] without prejudice. Plaintiff may renew the motion in advance of dispositive motions practice under the deadlines set forth below.

**PLEASE TAKE NOTICE** that the above-captioned cause is hereby set for **Trial** before the Honorable Robin L. Rosenberg, United States District Judge, at the United States District Court at 701 Clematis Street, Fourth Floor, Courtroom 1, West Palm Beach, Florida,<sup>1</sup> during the **four-**

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<sup>1</sup> Absent further order of the Court, every proceeding in this case will take place at the same location.

**week trial period commencing August 11, 2025, at 9:00 a.m.**, or as soon thereafter as the case may be called. **PLEASE TAKE FURTHER NOTICE** that **Calendar Call** will be held on **August 6, 2025, at 10:30 a.m.** and a **Status Conference** will be held on **June 25, 2025, at 10:00 a.m.** Unless the Court notifies the parties otherwise, the Court will conduct Calendar Call (or any other non-evidentiary hearing) by Zoom and the Court will distribute login information approximately one week prior to the proceeding.

The Court further **ORDERS** that the pretrial deadlines be modified as follows:

**March 21, 2025:** Plaintiff shall file any renewed motion for class certification.

**March 25, 2025:** Defendant shall respond to any renewed motion for class certification.

**March 28, 2025:** Plaintiff shall file a reply in support of any renewed motion for class certification.

**April 28, 2025:** All Pretrial Motions, including summary judgment motions, *Daubert* motions, and motions *in limine* shall be filed. *See* DE 20 §§ 10-11.

**May 15, 2025:** Mediation must be completed.

**July 11, 2025:** The Pretrial Stipulation shall be filed. Designations of deposition testimony shall be made. Parties shall also exchange Rule 26(a)(3) witness and exhibit lists. *See* DE 20 § 14.

**July 16, 2025:** Counter-designations of deposition testimony and objections to designations of deposition testimony shall be filed. Late designations shall not be admissible absent exigent circumstances.

**July 21, 2025:** Objections to counter-designations of deposition testimony and responses to objections to designations of deposition testimony shall be filed.

**July 23, 2025:** Responses to objections to counter-designations of deposition testimony shall be filed.


**July 25, 2025:** Jury Instructions or Proposed Findings of Fact and Conclusions of Law shall be filed. The parties' joint statement of the case is due. The parties' joint trial plan is due. The parties shall file their finalized exhibit list and witness list. The parties' Notice of Intent to Seek Pretrial Adjudication of Deposition Designations, if applicable, is also due. *See* DE 20 §§ 5, 8, 13.

**July 29, 2025:** The parties' Notice of Remaining Issues that Require Adjudication is due. The parties' joint deposition designation notebook, if applicable, is due. *See* SE 20 § 13.

In the event the parties are concerned with their ability to meet all pretrial deadlines and to be fully prepared to be able to try this case at the scheduled time, the parties may consider consenting to magistrate judge jurisdiction as a magistrate judge may be able to afford the parties greater latitude with respect to these deadlines. However, nothing in this Order shall preclude any party from moving for an extension of pretrial deadlines or a continuance of trial.

**DONE and ORDERED** in Chambers, West Palm Beach, Florida, this 10th day of February, 2025.

Copies furnished to:  
Counsel of record

  
ROBIN L. ROSENBERG  
UNITED STATES DISTRICT JUDGE